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Institute for International Research on Criminal Policy  
Ghent University

Prof. Dr. G. Vermeulen – Approaching and Counteracting Contemporary Organized Crime – ISDP, Stockholm, 16 November 2011

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# Approaching and Counteracting Contemporary Organized Crime

## Conceptual flaws, pitfalls and challenges

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Institute for Security & Development Policy



## Conceptual Flaws

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- > definitional issues
  - > not an offence type
  - > sociological, law enforcement, legal definitions
    - > law enforcement (organized criminal group)
    - > legal (leadership/participation criminal organization)
- > stereotyping
- > often very loosely organized
- > container concept
  - > EU criminal law harmonization (history and examples)
- > often legitimization for extraordinary means



## Pitfalls

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- > OC is a construct
  - > group crime, requiring different approach?
  - > counter-strategies likely, requiring special approach?
  - > serious and harmful, requiring prioritized approach?
- > cross-border or transnational character
  - > only relevant for demarcation competency
    - > e.g. Europol: impacting on at least 2 states
  - > otherwise quite irrelevant or counterproductive
    - > cfr 2000 UN TOC Convention + Protocols
      - > criminalization even where not transnational
      - > int'l cooperation only where transnational
- > selffulfilling prophecies and self-created harm?



## Challenges

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- why relevant as a concept, if already?
  - knowledge & evidence (type, extent, seriousness etc)?
  - risk
    - 1a. threat (actors, actions)
    - 1b. vulnerability (context/environment, sectors)
    - 2. impact/harm (micro/victim, macro/society)
  - readiness for scenario's (preparedness and resilience)
- relevance dependent on policy level and phase?
  - law enforcement, general policy making
  - prevention, repression, postvention



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## Knowledge & evidence based approaches

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- > about the past
- > situation reporting (national & European)
- > largely selffulfilling
  - > based on law enforcement activity and stereotyping
- > no potential to deal with uncertainties or unknown futures
- > = risk in itself



## Threat & vulnerability-based risk approaches

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- by or for law enforcement (history EU-methodology > OCTA)
- what?
  - threat assessment known OC groups
    - frequency, intent, capability
  - context vulnerability assessment (PEST)
    - trend identification often selective and intuitive
    - not as useful as in business
      - context less complex & relatively hard and certain trends, based on sufficiently reliable & valid data
  - vulnerability assessment for OC of economic sectors
  - likeliness & probability-focused
  - calculable predictions and prioritization





## Harm-based risk approaches (1)

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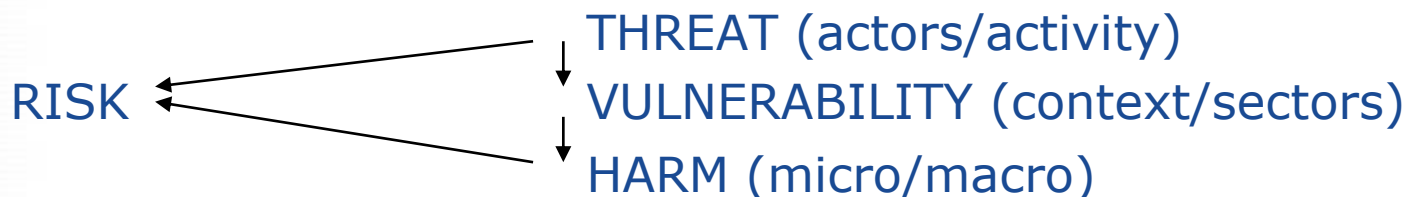
- > South
  - > OC (mafia) intrinsically serious and harmful
  - > per se LE/policy attention for OC groups & their strategies
- > East
  - > interwoven with economy and political decision making
  - > per se serious because affecting economy and politics
  - > per se LE/policy attention for OC groups & their strategies
  - > (quite exclusive) focus on systemic and institutional harm
- > West
  - > OC can be serious (multitude of groups and activities)
  - > prioritization based on seriousness/harm(fulness)



## Harm-based risk approaches (2)

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- > situation reporting
  - > law enforcement, repressive, threat
- > threat & vulnerability assessment
  - > more than just law enforcement, repressive but primarily (situational) preventative
- > impact/harm assessment
  - > victim/population/society, preventative and repressive but primarily general policy







## Seriousness as a basis (exit 'organized')?

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- > Europol mandate evolution
  - > from 'serious OC' to 'serious, including OC'
- > Eurojust mandate
  - > 'serious, in particular OC'
- > OCTAs: threat and/or harm?
- > Stockholm Programme & Internal Security Strategy
  - > threat & risk: "The concept of internal security must be understood as a wide and comprehensive concept which straddles multiple sectors in order to address these major threats and others which have a direct impact on the lives, safety and well-being of citizens, including natural and man-made disasters such as forest fires, earthquakes, floods and storms"
- > not harm of OC, but of crime types? (any?)



## Harm-based risk component: Difficulties

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- > what is harm(ful)? – what should be calculated as harm?
  - > direct harm: physical, economical, psychological, political, societal, intellectual, emotional?
  - > also indirect harm, e.g. decreased consumer trust due to fraud?
  - > also non-victim-related harm, i.e. the reaction cost?
- > only harm & costs? – no benefits?
  - > many 'clients' got what they wanted
  - > reaction cost could be seen as a benefit (employment generating)
- > how to measure and compare?
- > what is the available respectively required empirical basis?
- > harm at micro (by a group/person) or macro level (OC in general) or both? (Tusikov, 2009)



## Micro models

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- > examples
  - > micro risk model (National Policing Improvement Agency)
    - > OC group mapping & scoring of harm(fulness) in terms of physical damage to society, reputation, politics, capacity, cross-border/geographical/economic scale
    - > combined with probability score criminal activities (risk)
  - > micro harm model (Metropolitan Police Service)
    - > based on potential sanctions for offences by OC groups
  - > micro harm model (Criminal Intelligence Service Canada)
    - > based on both potential & average sentences duration
- > evaluation
  - > added value rather unclear, only useful for LE prioritization
  - > very close to 'traditional' threat assessments



## Macro models

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- examples
  - macro cost model (Home Office)
  - macro harm model (ACC)
  - macro risk model comprising a harm component (KLPD)
  - general macro risk model comprising a harm component (FedPol)
- evaluation



## Macro cost model (Home Office)

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- > tradition in cost of crime studies, including of OC
  - > Dubourg & Prichard, 2007
  - > harm expressed in financial cost
  - > rather for than by LE agencies
  - > economic and social cost (anticipation, consequence and reaction) of OC
- > results
  - > drugs: 15,4 billion £
  - > tax fraud: 3,7 billion £
  - > fraud: 2,7 billion £
  - > migrant smuggling: 1,4 billion £
  - > THB: 1 billion £



## Macro harm model (ACC)

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- Australian Crime Commission (LE body) studies OC threat & the harm “of various criminal issues affecting Australian interests”
  - qualitative method, through questioning experts from LE, government, industries and academia on political, social and economic consequences (vs PEST vulnerability studies)
  - results: “The cost of OC to Australian society is difficult to quantify. However, the ACC estimates organised crime costs Australia in excess of \$10 billion. [...] OC affects a broad range of sectors and industries in Australia. Often the harm from criminal activity is indirect. The consequences of OC activity may include increased costs of services or damage to the reputation of an industry or institution. More visible effects include those from the sale of illicit drugs, theft of property or violence”





## Macro risk model (KLPD)

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- > national threat assessment OC (since 2008)
- > combined analysis of vulnerability factors, crime phenomena and societal consequences
  - > direct societal consequences: health, property, environment, infrastructure, decision-making processes
  - > indirect societal consequences: prevention, harm in terms of perception and image etc
- > results
  - > harm(ful effects) assessed per crime phenomenon
  - > qualitative and non-comparative
  - > no ranking



## General macro risk model (FedPol)

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- annual reports OC (MinJust) primarily threat-based, with harm assessment ambition only
- however, since police reform (over 10y ago): National security plan & national police security assessment (FedPol)
  - with ranking of crime phenomena based on multiple criteria model relating to extent, perception and impact, i.e. organisational scale, complexity and consequences
  - results
    - 1. crimes against physical integrity
    - 2. illicit production and trafficking of drugs
    - 3. traffic accidents with casualties
    - 4. illegal immigration and smuggling of migrants



## Macro models: Evaluation

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- › assess the harm(fulness) of OC altogether
- › assuming that OC
  - › can be extracted froml 'all' crime
  - › or largely overlaps/coincides with certain forms of identifiable 'serious' crime
- › not directly/primarily targeted at law enforcement work
  - › rather at general policies
- › largely based on expert assessments
- › illustrative of growing irrelevance of OC concept
  - › harm models for crime in general?
  - › serious crime as a result?
  - › OC as a subresult?



## Harm-based risk approaches: Conclusion

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- > growing attention for OC risk assessment based on harm(fulness), but differences
- > micro models: complement traditional threat-based (risk) approaches for/by law enforcement
- > macro models: feed general (OC) policies
- > challenge: multi-level harm model, integrating both?
  - > Serious Organised Crime Agency (SOCA, 2010/11) developed a harm framework as a common language with other partners and useful for evaluation and prioritization of operations (against OC groups) and projects
  - > at present not capable of prioritizing crime phenomena
- > the end of (analyses on) organized crime?
  - > in favour of 'serious' crime, simply 'crime' or even 'security'?



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## Scenario-based processes (1)

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- > context/environment assessment too static
  - > single future, so why even act?
- > future can't be predicted, but different, uncertain futures can be prepared for
  - > not focused on crime prevention
  - > postvention concerns, precaution and preparedness
  - > including in terms of resilience to harm
    - > assessment and optimizing of recovery and adaptation potential
- > comparative overview hereafter



## Klima, Dorn, Vander Beken, 2010

Ideal types	Probability risk calculation	Precautionary uncertainty
Main contents of model	‘RISK’, where probabilities are knowable, possibly quantifiable	‘UNCERTAINTY’, where ‘tipping points’ are unknowable
Types of problems addressed	ASSESSABLE, routine, known, predictable problems	CATASTROPHIC potential events
Conceptual starting point	PROBABILITY, calculated from past frequencies, of the co-presence of perpetrators, targets and insufficient guardianship	POTENTIAL INSTABILITY of targets or systems, meaning that, if hit, they might fall
Who describes the problems	EXPERTS, specialists, technocrats	ALL STAKEHOLDERS: policy-makers, citizens, experts
What is the deliverable	Intelligence ‘PRODUCT’, which aims to be correct (the model represents reality)	Emphasis on ‘PROCESS’, which must be widely ‘owned’ (the model is a tool for thinking)
What society is thereby reproduced	One in which technocratic experts lead, policy makers and civil society follow	One in which civil society and the private sector face difficult decisions about precaution





## Scenario-based processes (2)

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- usually 5-step approach
  - 1. choose future scenario's (in casu: (O)C)
  - 2. identify relevant external uncertain factors
  - 3. crossing of 2 relevant uncertainties
  - 4. assess implications of 4 scenario's + implement changes required
  - 5. follow-up and repeat
- example (Vander Beken, 2005)
  - use of technology by criminal groups?
  - well-organised, technology-led apparatus?
  - 4 scenario's: Big Brother, Cyber War, Mad Max, Matrix



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## Questions & discussion

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